

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Noel C. Cobb et al. Group Art Unit: N/A
Serial No.: 10/822,240 Examiner: N/A
Filed: April 9, 2004
For: "UTILITY KNIFE FOR GLAZIERS"
Matter No.: 0075-1

Bedminster, NJ 07921
August 16, 2004

Mail Stop Petition
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

PETITION TO MAKE SPECIAL FOR NEW APPLICATION
UNDER M.P.E.P. § 708.02 (VIII)

Applicant hereby petitions to make special this new application. The application has not yet been examined by the United States Patent and Trademark Office (the "Office").

Applicant submits that all of the claims in this case are directed to a single invention. As a prerequisite to the grant of special status, if the Office determines that all claims presented are not obviously directed to a single invention, then applicant will make an election, without traverse.

A pre-examination search of the subject matter encompassed by the above-identified application has been made by a professional searcher. The pre-examination search was conducted in the United States Patent and Trademark Office. The field of search covered Class 30, subclasses 125, 161, 272.1, 314, and 335. A computer database search was also conducted on the USPTO systems EAST and WEST and a keyword search was also conducted in Class 30, subclasses 162, 164, 169, 294, and 298. Examiners Douglas Watts in Class 30 (Art Unit 3724) was consulted in confirming the field of search. The references developed by the pre-examination search were cited in applicants' Information Disclosure Statement dated June 25, 2004. A statement pertaining to the

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pre-examination search listing the references deemed most closely related to the subject matter encompassed by the claims is submitted herewith.

Applicant also submits herewith a detailed discussion of the references, which discussion particularly points out how the claimed subject matter is distinguishable over the references.

Enclosed herewith is a check in the amount of \$130, to cover the fee for this Petition. In the event that any additional fee is deemed to be required by 37 C.F.R. 1.17(h), it is requested that applicants be contacted at (908) 201-0220 and provided an opportunity to effect payment thereof.

A duplicate of this petition is attached.

Respectfully submitted,
Noel C. Cobb et al.

By 
Ernest D. Buff
(Their Attorney)
Reg. No. 25,833
(908) 201-0220



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Sir:

STATEMENT PERTAINING TO PRE-EXAMINATION SEARCH
IN ACCORDANCE WITH MPEP § 708.02(VIII)

In accordance with MPEP § 708.02 (VIII), applicants, by and through their attorney, hereby submit that a pre-examination search was made for the above-identified application. The search was conducted by applicants' agents at the United States Patent and Trademark Office. The field of search covered Class 30, subclasses 125, 161, 272.1, 314, and 335. Additionally, a computer database search was conducted on the USPTO systems EAST and WEST and a keyword search was also conducted in Class 30, subclasses 162, 164, 169, 294, and 298. Examiners Douglas Watts in Class 30 (Art Unit 3724) was consulted in confirming the field of search. The references developed by the pre-examination search were cited in applicants' Information Disclosure Statement dated June 25, 2004.

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The search identified the following U. S. Patents:

UNITED STATES PATENTS

Ref. #	Patent No.	Inventor(s)
1	2,242,900	Bender
2	2,304,332	Bodkin
3	2,679,100	Ehler
4	2,784,489	Reise
5	2,788,574	Marcmann
6	3,107,426	Robinson, Jr.
7	3,324,548	Mascia
8	3,380,159	Winston
9	3,906,625	Gringer
10	4,575,940	Wenzel
11	4,713,884	Dunnagan
12	4,884,342	McNamara et al.
13	5,014,429	McNamara
14	5,241,750	Chomiak
15	5,490,331	Gold
16	5,890,294	Keklak et al.
17	5,906,049	Butts
18	5,940,970	D'Ambro, Sr., et al.
19	6,192,589	Martone et al.

Each of the foregoing references have been identified and discussed in the Detailed
Discussion of the References Submitted in Compliance with MPEP § 708.02(VIII).

Respectfully submitted,
Noel C. Cobb et al.

By 
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(Their Attorney)
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DETAILED DISCUSSION OF THE REFERENCES SUBMITTED
WITH THE INFORMATION DISCLOSURE STATEMENT
IN COMPLIANCE WITH MPEP § 708.02 (VIII)

In accordance with MPEP § 708.02(VIII), applicants hereby submit a detailed discussion of references applicable to the above-identified application. Each of these references was listed in the Information Disclosure Statement filed with the United States Patent and Trademark Office on June 25, 2004, in connection with the above-identified application.

1. U. S. Patent No. 2,242,900 to Bender

U.S. Patent No. 2,242,900 to Bender (hereinafter the "'900 patent'") discloses an adjustable tool holder and cutting device appointed for cutting paper, fabric, leather, felt, packing, cardboard, flowers, and the like. The adjustable tool holder comprises a handle having a longitudinal guide slot to accommodate a cutting tool. A screw passes through the guide slot and engages a locking nut to secure the cutting tool in various extensions and positions.

The invention set forth by applicants' claims 1-12 discloses a utility knife for glaziers that comprise a knife blade and handle, wherein the knife blade is transversely angulated with respect to the handle and is firmly supported in the horizontal and vertical planes. The transversely angulated knife blade and handle configuration facilitates use of the knife in glazing and other operations that require close, right-angled positioning. Applicants' claims 1-12 further set forth a utility knife comprising a reversible, detachable blade having a sharp edge and a plurality of anchoring holes. The applicants' utility knife additionally includes handle means, blade supporting means, locating means for capturing the knife blade, channel means disposed within the handle for containing and supporting the blade, clamping means, and blade replacement means (in one embodiment).

The '900 patent does not disclose a knife having a transversely angulated blade. Instead, the cutting blade employed is constrained to lie in the plane of a longitudinal guide slot parallel to the wide side of the handle. In addition, the '900 patent disclosure does not suggest use of a blade supporting means, locating means, channel means, and clamping means for aligning and mounting the knife blade and preventing inadvertent extension of the blade.

These structural differences patentably distinguish the invention set forth by applicants' claims 1 – 12 from the '900 patent disclosure.

2. U. S. Patent No. 2,304,332 to Bodkin

U.S. Patent 2,304,332 to Bodkin (hereinafter the “332 patent”) discloses a scraping and cutting device comprising a holder adapted to retain a single-edged razor blade having a recess or

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aperture therein and a reinforcing member tightly clamped around one of the razor blade's edges. The holder comprises a pair of handle members pivotally secured adjacent one end of each. A spacing member holds the handle members apart sufficiently to permit insertion and movement of the razor blade between the handle members. The opposite ends of the handle members have their ends formed obliquely to the axes of the members. A longitudinally extending channel in each of the handle members is provided for receiving the reinforcing member of the razor blade so as to either hold it within the handle or to project it in a cutting position beyond the oblique ends of the handle. A bolt and screw clamping means passes through the slots in the handle members and passes through a recess of the blade. The clamping means may be loosened to permit movement of the blade within the holder or tightened to securely engage the blade in cutting or scraping position. Each handle member is further provided with a transverse channel extending across the width of, and substantially parallel to the oblique end of, the handle member. The reinforcing member of the razor blade may be placed in the transverse channel and the clamping means tightened to hold the blade in the scraping position.

The device disclosed by the '332 patent lacks the functionality afforded by the transversely angulated handle of the invention set forth by applicants' claims 1 – 12. In addition, the '900 patent disclosure does not suggest use of a blade supporting means, locating means, channel means, and clamping means for aligning and mounting the knife blade and preventing inadvertent extension of the blade. Consequently, the device disclosed by the '332 patent must rely solely on friction that results from the tightening of a bolt and screw tightening means.

On the other hand, the invention set forth by applicants' claims 1 – 12 comprises a knife blade that is transversely angulated with respect to the handle and is firmly supported in the horizontal and vertical planes. This firm support results in a safer glazing knife that is convenient to use, especially when confronted with operations that require close, right-angled positioning.

These structural differences provide ample basis upon which to predicate patentability of the subject invention over the '332 patent disclosure.

3. U. S. Patent No. 2,679,100 to Ehler

US Patent 2,679,100 to Ehler (hereinafter the "'100 patent'") discloses a knife for cutting linoleum and the like. The knife comprises a handle holding a removable blade. The handle comprises two halves, each having a blade-receiving end with a channel of the width of the blades the handle is to receive. The halves are assembled by a screw. Pins are provided in one half for insertion in corresponding sockets in the opposite half to assure proper association of the halves upon assembly. A blade-locating lug extending from the wall of the channel engages a slot in the blade. In one embodiment, the blade projects generally along the long axis of the mating halves of the handle. In another embodiment, the blade extends from the bottom edge of the handle at an angle obtuse to a predetermined degree suitable for linoleum cutting.

The '100 patent does not disclose a knife having transverse angulation of its' cutting blade. Instead, the blade taught by the '100 patent is constrained to be located in a recess in one of the sides of its handle. With this configuration, the blade of the knife disclosed by the '100 patent is substantially co-planar with the inside surfaces of the sides of the assembled handle. As such, the

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knife disclosed by the '100 patent is not well suited for glazing and other operations requiring close, right-angled positioning of the cutting blade. In contrast, the transversely angulated knife blade and handle configuration set forth by applicants' claims 1 – 12 facilitates use in operations that require close, right-angled positioning of the knife in glazing and during other procedures.

In view of these structural and procedural differences, applicants' claims 1 – 12 patentably differentiate the '100 patent disclosure.

4. U. S. Patent No. 2,784,489 to Reise

US Patent 2,784,489 to Reise (hereinafter the "'489 patent'") discloses a hand holder for utility blades used by craftsmen and others for cutting roofing materials, linoleum, and the like. The blade holder is said to have a forwardly movable guard for protecting the blade when not in use and provisions for ready adjustment of the blade projection, convenient replacement of the blade, and storage space for extra blades. The holder has a rectangular cavity at its open and a forward end adapted to receive the guard in sliding association. The guard has a blunt nose-shaped forward end, side grooves, a rectangular recess adapted to receive the blade and a flat cover piece, and an elongated opening through the upper portion of the guard.

The '489 patent provides a finger knob protrusion in the rear bottom portion of the guard to allow a user to slide the guard backward and forward. Sliding the guard backward into the cavity of the holder exposes the blade, while sliding the guard forward shields the blade. A bolt penetrates one side of the holder. The bolt passes through the blade guard, an alignment notch atop the blade,

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and the cover piece; and thence through the opposite side of the holder, where it is engaged by a nut. Tightening the nut secures the blade and guard in position.

The blade holder suggested by the '489 disclosure does not have the transverse cutting blade angulation afforded by the glazier knife set forth by claims present 1-12. As a result, the '489 device lacks the advantages of functionality and safety, which are inherently provided by the glazier knife, as defined by applicants' claims 1-12 of the applicants' invention.

In view of these structural and procedural differences, the invention delineated by present claims 1 – 12 patentably differentiates the '489 patent disclosure.

5. U. S. Patent No. 2,788,574 to Marcmann

US Patent 2,788,574 to Marcmann (hereinafter the “‘574 patent”) discloses a utility knife having a handle and blade which may be fixed in a number of different positions therein to suit different cutting purposes. The blade may be set to project in a straight line from one end of the handle to provide blades of different lengths, different amounts of cutting edge, and different degrees of rigidity or stiffness. The blade may also be set at an angle to the length of the handle for cutting linoleum and similar materials.

The handle disclosed in the '574 patent is formed of two elongated, complementary parts joined in approximately the plane of the knife blade. Each of the parts has an inner flat face, an outer, preferably rounded face, and a blade end surface at an angle to the length of the handle. The parts have a right and left hand relationship to each other such that when assembled the blade end surfaces provide a smooth end surface slanting transversely at an angle to the length of the handle.

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The second part has (i) a recess in its flat surface extending longitudinally from the face and opening at the blade end surface and (ii) a pin extending transversely from the recess and adapted to pass through a first opening in a median line of the blade and into an opening in the opposite part. The parts may be held in assembled position by one or more bolts.

The '574 patent's blade is not symmetrical with respect to its first opening and has one end at a greater distance from the first opening and inclined to the longitudinal axis of the blade at a greater angle than the opposite end. The blade may thus be mounted in the holder in a plurality of alignments which provide different lengths of exposed cutting edge and different degrees of blade rigidity. The blade may further be provided with a second opening so that the locating pin may be passed through the second opening while one end edge of the blade abuts one side of the recess in the second part. When so mounted the blade projects downwardly at an angle from the holder.

Despite the suggestion in the '574 patent of multiple blade positions, there is no disclosure of a transversely angulated blade. On the other hand, the invention set forth by applicants' claims 1-12 discloses a utility knife for glaziers that is configured so as to have a transversely angulated blade. Furthermore, the utility knife called for by applicants' claims contains structural support of the blade within the handle, thereby providing durability and safety. The transversely angulated knife blade and handle configuration facilitates use of the knife in glazing and other operations that require close, right-angled positioning.

None of the devices disclosed or suggested by the '574 patent provides a transversely angulated blade and support configuration thereof, and therefore lacks the functional advantages which are inherent to the applicants' utility knife for glaziers set forth by applicants' claims 1-12.

These structural and procedural differences provide ample basis for predicated patentability of present claims 1 – 12 over the ‘574 patent disclosure.

6. U. S. Patent No. 3,107,426 to Robinson, Jr.

US Patent 3,107,426 to Robinson, Jr. (hereinafter the “‘426 patent”) discloses a utility knife having a knife blade adapted for slidable movement between a safety position within the knife handle and an extended cutting position.

The knife disclosed in the ‘426 patent comprises an elongated handle having a blade-receiving slot at one of the ends thereof. The handle comprises two elongated members detachably secured and separable along a longitudinal plane extending rearward from the slot opening. A carrier is reciprocally mounted on one of the elongated members for movement toward and away from the slot opening. A blade is supported on the carrier and has parallel edges that engage side flanges extending from the base of the carrier. An elongated tongue extends rearward from the carrier and engages a locking cam surface on the handle. A button is fixed to the tongue and may be depressed to move the tongue out of engagement with the locking cam surface and to slidably reciprocate the tongue within the handle. The knife may further comprise a compartment for storage of spare blades. The members of the handle are secured by a screw.

The knife blade retraction mechanism disclosed in the ‘426 patent requires that the blade and the inside surfaces of the handle halves be substantially coplanar. The knife disclosed by the ‘426 patent, therefore, lacks the transverse blade angulation required by the invention set forth in applicants’ claims 1-12. As a result, the ‘426 knife is not suited for application in glazing and

similar tasks requiring close, right-angled cutting. By way of contrast, the utility knife called for by applicants' claims is especially sized and shaped to facilitate close, right-angled cutting. As a result, the utility knife defined by applicants' claims 1-12 is easier and safer to use and effects glazing in a much more efficient, reliable manner.

These structural and procedural differences patentably differentiate claims 1 – 12 of the present invention from the '426 patent disclosure.

7. U. S. Patent No. 3,324,548 to Mascia

US Patent 3,324,548 to Mascia (hereinafter the "'548 patent'") discloses a tool-holding knife comprising a handle, a bifurcated tool holder, and a blade. The knife is said to be especially useful for cutting linoleum, vinyl, carpeting, and the like. The tool holder is provided with two branches spaced apart by rivets, which also serve to buttress the various blades which are usable with the tool holder and appointed to be situated between the branches. Several positions are described for mounting the blades in the holder for cutting linoleum or the like, including: a straight knife position; a generally perpendicular scraping position; and a downwardly angled position.

Transverse angulation of a cutting blade is not disclosed or suggested by the '548 patent. Unlike the utility knife for glaziers that is disclosed by the applicants' claims 1-12. Furthermore, the '548 device discloses that a blade must be inserted between two closely spaced branches. By way of contrast, the applicants' claims 1-12 define a configuration that facilitates the convenient separation of the blade from the holder. This configuration allows the blade to be changed without having to overcome frictional resistance as is inherently present when slipping a blade between two relatively

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fixed branches occurs, such as in the '548 patent. The result is a more durable utility knife that enhances safety especially during blade removal and subsequent insertion.

These structural and procedural differences patentably distinguish the utility knife delineated by applicants' claims 1 – 12 from the '548 patent disclosure.

8. U. S. Patent No. 3,380,159 to Winston

U.S. Patent 3,380,159 to Winston (hereinafter the "'159 patent'") discloses a cutting device for opening shipping containers and the like composed of cardboard or similar materials. The cutting device is designed to prohibit the damage of merchandise contained therein. The device is preferably formed of two flat sheets of heavy gage sheet metal pivotally affixed to one another at one end by a pivot pin. The sheets are formed to provide oppositely disposed cavities between them for storage of spare cutting blades. The ends of the sheets opposite the pivoted end are formed to provide a cutting blade retainer. The edges of the sheets form a straight edge on the retainer which is angularly disposed with respect to the handle to provide a clearance for the knuckles and fingers of a user of the cutting device.

The cutting blade retainer of the '159 patent has a recessed blade cavity of substantially the same depth and width as the thickness and width, respectively, of a cutting blade seated in the retainer. A shoulder bolt is inserted through aligned apertures in the blade and the sheets and engages a nut to fasten the blade and sheets together. The end of one of the sheets further comprises an extended end formed to provide a runner support and a runner extending below and substantially perpendicular to the runner support and in a parallel spaced relationship to the straight

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edge, thereby forming a slot. The runner preferably has a semi-round cross-section to give it sufficient strength to pierce cardboard without buckling or flexing. The runner also has an outwardly curved surface facing away from the slot to provide protection for the merchandise contained within the shipping container by allowing only a minimal amount of the runner to be in touch with the merchandise.

Significantly, the runner structure of the knife disclosed by the '159 patent limits the extent of blade penetration and thus severely limits the utility of the knife for glazing and similar operations wherein a blade is expected to penetrate to a substantial depth. Moreover, the lack of angulation of the cutting blade of the '159 device further restricts its applicability to some cutting operations. On the other hand, the utility knife defined by applicants' claims 1 – 12 comprises a transversely angulated configuration that facilitates use of the knife in glazing and other operations requiring close, right-angled positioning. In addition, the knife blade of the applicants' claims has an extent especially suited for glazing and similar operations requiring penetration to a substantial depth.

These structural and procedural distinctions strongly support patentability of applicants' claims 1 – 12 over the '159 patent disclosure.

9. U. S. Patent No. 3,906,625 to Gringer

U.S. Patent 3,906,625 (hereinafter the "'625 patent'") discloses a utility knife comprising a handle and a blade removable therefrom. The handle comprises a sleeve-like handle member having a cavity portion therein and a blade carrier member. The cavity portion comprises a

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longitudinal slot with the handle being open at its base and at one end of the slot. The carrier is pivotally mounted to the handle at the other end thereof opposite from the open slotted end for pivotal movement into and out of the cavity. The carrier has a longitudinal extent substantially equivalent to that of the longitudinal handle and has a plurality of studs at its end adapted to support a perforated cutting blade in a plurality of orientations relative to the handle. The blade carrier also comprises an integral, resilient clip portion for fixedly holding replacement blades for storage and resilient protrusions which assist in holding the blade carrier within the handle in the closed position.

Significantly, the utility knife disclosed in the '625 patent provides a straight knife blade secured only by alignment pins and frictional force acting between resilient portions of the blade carrier and the inside of the knife handle. By way of contrast, the utility knife recited by applicants' claims 1 – 12 comprises a screw fastening means operating to provide positive closure and engagement of the blade within halves of the handle. In addition, the applicants' claim 1-12 provides for angulation of the blade, making the resultant utility knife ideally suited for use in glazing and other demanding cutting operations performed in a tight, right-angled corner, without unduly bending of the blade.

These structural and procedural distinctions provide ample basis upon which to predicate patentability of applicants' claims 1 – 12 over the '625 patent disclosure.

10. U. S. Patent No. 4,575,940 to Wenzel

US Patent 4,575,940 to Wenzel (hereinafter the “‘940 patent”) discloses a carpet layer’s knife having a handle and blade holder for demountably securing a heavy-duty, razor-style blade. The razor-style blade has two generally parallel sharpened edges and an open center section with a slot elongated in a direction parallel to the sharpened edges for mounting the blade in the handle. The holder comprises two body sections which part along a medial longitudinally extending plane. The body sections have blade-holding portions at one end. The body sections are connected by a screw connecting means which tightens to clamp the blade between the blade holding portions. A shoulder formed in the blade-holding portion of one of the body sections passes through the center slot in the blade and provides support against rotation of the blade in its plane during use of the knife.

The ‘940 patent discloses resilient means comprising, e.g., a spring, surrounds the screw connecting means, is used to urge the body sections apart when the screw connecting means is loosened, thereby facilitating insertion and removal of blades. The screw connecting means is provided with a manually engageable extension, such as a D-ring, for applying torque to the screw without necessity of an additional tool, such as a screwdriver, when changing blades. A blade compartment may be provided for storage of spare blades.

Significantly, the knife disclosed by the ‘940 patent is angulated longitudinally, it is not angled transversely. As a result, it is not adapted for cutting operations, such as those generally encountered in glazing, in which the blade must be situated substantially parallel to a surface which is not to be cut or damaged. On the other hand, the utility knife recited by applicants’ claims

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1 – 12 comprises a transversely angulated handle that facilitates use of the knife in glazing and other operations requiring close, right-angled positioning during cutting.

In light of these structural and procedural differences, the utility knife called for by applicants' claims 1 – 12 and the '940 patent disclosure are patentably distinct.

11. U. S. Patent No. 4,713,884 to Dunnagan

US Patent 4,713,884 to Dunnagan (hereinafter the "'884 patent'") discloses a hand-held knife for use in cutting carpet pads. The knife comprises a handle having a pair of handle members generally abutting at a median plane, a blade positioned therebetween, and a releasable fastener that clamps the handle members together and secures the blade. The use of the knife depicted in the '884 patent is said to reduce the propensity of carpet pad to wrinkle while being cut, thereby improving the accuracy of the cut and decreasing the fatigue experienced by the carpet pad installer.

The knife disclosed in the '884 patent comprises a handle portion, a forwardly projecting blade support portion formed at generally an angle of 30 to 45 degrees with respect to the long dimension of the handle, and a heel at the transition between the portions. A raised boss present on the inside surface of one of the blade support portions of the right side member of the handle is sized to be received in a longitudinal slot present in a knife blade of conventional design. The orientation of the boss establishes the angle of the blade cutting edge with respect to the handle. A thumbwheel having a threaded extension penetrates an aperture in one half of the handle generally at its heel and engages a corresponding internally threaded aperture in the opposite handle half to

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clamp the halves together and secure the blade in position. The handle members may optionally comprise a storage compartment for spare knife blades.

The '844 disclosure suggests a blade angulated longitudinally with respect to both the handle and blade support portions of the knife. As a result, the blade may extend only to a limited degree from the knife, limiting the depth of cut possible. In addition, the user's hand holding the handle impedes cutting operations, such as those encountered in glazing, wherein the blade must be positioned flat with respect to a surface which must not be cut or damaged. On the other hand, the utility knife called for by applicants' claims 1 – 12 comprises a transversely angulated configuration that facilitates use of the knife in glazing and other operations requiring close, right-angled positioning. As a result, the device disclosed by the '844 patent lacks the functionality and increased safety afforded by the transversely angulated handle of the utility knife defined by applicants' claims.

These structural and procedural differences patentably differentiate applicants' claims 1 – 12 from the '884 patent disclosure.

12. U. S. Patent No. 4,884,342 to McNamara et al.

US Patent 4,884,342 to McNamara et al. (hereinafter the “342 patent”) discloses a cutting device including a handle and a blade particularly adapted for cutting wallpaper. The handle is elongated and comprises two half-handles secured together. At least one of the half-handles has a lengthwise internal passageway in its sidewall and at least one of the half-handles has a lengthwise external opening in its sidewall, the opening and the passageway being at least partially coextensive.

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An elongated blade is slidably and retractably mounted between the sidewalls and is extendable from the front end of the handle. A protruding member is slidably mounted within the internal passageway and is removably fixed to the blade. A biasing means is positioned against the blade to hold the blade against the protruding member. A releasing means is provided for moving the blade laterally against the biasing means so as to allow the blade to be released from the protruding member, thereby facilitating replacement of the blade. An adjustment means slidably mounted in the opening allows the extension of the blade from the handle to be varied. A roller means is situated at the front end of the handle to guide the blade along a cutting path.

The knife disclosed by the '342 patent includes a guidance mechanism rotatively connected to its handle. By way of contrast, such a mechanism is not required for the utility knife for glaziers disclosed by applicants' claims 1-12. Indeed, the guidance mechanism renders the '342 knife unsuitable for applications such as glazing, because it prevents the user from making a cut that is substantially parallel to a surface which is to be left uncut and undamaged (such as the gap between a pane of glass and the frame in which it is mounted). Furthermore, the invention set forth by applicants' claims 1 – 12 discloses a utility knife wherein the blade is transversely angulated with respect to the handle. The 342 patent's knives lack of angulation and guidance roller hinders blade insertion and the ability to perform right-angled positioning cutting. By way of contrast, the utility knife recited by applicants' claims 1-12 comprises a transversely angulated handle that facilitates use of the knife in glazing and other operations requiring close, right-angled positioning.

In view of these structural and procedural differences, present claims 1 – 12 patentably define over the '342 patent disclosure.

13. U. S. Patent No. 5,014,429 to McNamara

US Patent 5,014,429 to McNamara (hereinafter the “‘429 patent”) discloses a utility knife including a mechanism for detaching individual segments from a segmented knife blade. The knife includes a housing having two mating, spaced sidewall portions with a channel therein to house and guide a blade. One end of the channel terminates within the housing, while the other end opens to form an exit slot from which the blade may protrude. An adjustment mechanism is disposed for back and forth sliding movement within a slot in the sidewall. A boss is provided on the adjustment mechanism to engage an aperture in the blade. One of the sidewalls also has a recess to accommodate a spring member which provides a force both to bias the blade against the opposite sidewall portion, thereby presenting rattling or lateral displacement of the blade, and to bias the blade against the adjustment member to maintain engagement of the boss with the blade. The sidewall further accommodates a mechanism to allow individual segments to be severed from the blade and capture the severed piece in a safe manner for disposal. The mechanism comprises a transversely oriented plunger which, when depressed against the blade, causes fracture of the blade along a pre-formed segmentation line. Opposite the plunger in one of the sidewalls is a recess appointed to receive the severed blade segment, thereby restraining it from uncontrollably flying away from the knife. The recess has an aperture from which the severed segment may be removed at the user’s convenience.

The ‘429 disclosure does not disclose or suggest a knife blade transversely angulated with respect to a holder. As a result, the knife suggested by the ‘429 patent is not suited for making cuts

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such as those required in glazing and the like, wherein the knife blade must be oriented parallel to a surface that is not to be cut or damaged. By way of contrast, the utility knife defined by applicants' claims 1-12 discloses transverse angulation of the blade in relation to the knife handles. As a result, the applicants' claimed utility knife is readily used in glazing without the need for excessive pressure or bending of the knife blade, thereby avoiding the attendant danger of breaking a glass pane or the knife blade.

These structural and procedural differences strongly support patentability of applicants' claims 1 – 12 over the '429 patent disclosure.

14. U. S. Patent No. 5,241,750 to Chomiak

US Patent 5,241,750 to Chomiak (hereinafter the “750 patent”) discloses a utility razor safety knife having a handle, blade, and a blade guard. The blade guard comprises an open-bottomed hood pivotally secured to the handle by a screw and biased to the closed position by springs whose bottom ends terminate on footing rests on the sides of the yoke and whose top ends engage a yoke attached to the top of the handle. The screw also acts to secure the blade between complementary halves of the handle. In the closed position, the blade guard both protects the user from the blade cutting edge and protects the blade from being inadvertently nicked or dulled. The knife is used by grasping the handle and pressing the open side of the hood into the article to be cut, thereby causing retraction of the biasing springs and exposure of the blade edge. The footing rests serve to maintain the blade generally perpendicular to the surface being cut and to limit the depth of

penetration of the blade. After completion of the cut and withdrawal of pressure on the handle, the springs again urge the blade guard into the closed position.

The presence of a hood-like blade guard, a yoke, and springs greatly increase the width of the knife disclosed by the '750 patent. In addition, the '750 knife lacks transverse angulation of its blade. As a result of these structural features, the knife cannot be used for cutting operations in which the knife blade must be positioned parallel to a surface which is not to be cut, such as a windowpane. In addition, the blade guard limits the extent of blade penetration of the '750 knife. In contrast, the utility knife called for by applicants' claims 1-12 comprises a knife blade that is transversely angulated with respect to the handle and wherein the blade is firmly supported in both the horizontal and vertical planes. Moreover, the knife suggested by the '750 patent lacks the functionality afforded by the applicants' utility knife for glaziers, as defined by present claims 1-12. The transversely angulated blade configuration recited by applicants' claims 1-12 facilitates use of the knife in glazing and other operations that require close, right-angled positioning.

In view of these structural and procedural differences, the disclosure of the '750 patent and the present invention are patentably distinct.

15. U. S. Patent No. 5,490,331 to Gold

U.S. Patent 5,490,331 to Gold (hereinafter the "'331 patent'") provides a utility knife adapted both for cutting and scraping. The knife is provided with a retractable blade having a sharpened bottom edge for cutting and a sharpened front edge for scraping. A holder comprises two half-hand grips secured by a screw having a threaded shank and a large diameter cylindrical knurled head.

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Preferably the head extends laterally of the knife approximately $\frac{1}{2}$ inch when tightened to provide additional grip when the knife is drawn rearward during cutting use of the knife, a feature said not to be present in previously known knives. The holder is further provided with a downwardly projecting, finger-contacting member which serves as a stop for the user's hand when the knife is being forwardly pushed, as during a scraping stroke of the knife.

The '331 disclosure does not suggest nor disclose transverse angulation of the knife blade. As a result, the '331 knife is not adapted for cutting and scraping operations significantly encountered in glazing. By way of contrast, the utility knife recited by applicants' claims 1-12 comprises a knife blade that is transversely angulated with respect to the handle and wherein the blade is firmly supported in both the horizontal and vertical planes. This transversely angulated blade configuration, defined by applicants' claims 1-12, facilitates use of the knife in glazing and other operations that require close, right-angled cutting with the blade oriented parallel to a surface, while minimizing damage of the surface.

In view of these structural and procedural differences, the applicants' utility knife recited by claims 1 – 12 and the '331 patent disclosure are patentably distinct.

16. U. S. Patent No. 5,890,294 to Keklak et al.

U.S. Patent 5,890,294 to Keklak et al. (hereinafter the “294 patent”) discloses a locking safety utility knife that includes a body and an operating lever that is squeezed to deploy a retractable cutting blade from within the body. The blade can be locked in its retracted position by means of a ratchet-like mechanism including a pawl which is released by manipulating a cam

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operator. The pawl engages teeth formed on the outside of a door which closes the rear of a compartment formed in the operating handle to house spare blades.

Significantly, the '294 patent only discloses a knife having a blade that extends from the body without angulation. By way of contrast, the utility knife for glaziers, as recited by applicants' claims 1-12, has a blade transversely angulated with respect to a handle portion. The angulation of the blade defined by applicants' claims allows the blade to be oriented parallel to a surface that is not to be damaged or experience pressure, such as a windowpane. Minimal bending of the blade is required. As a result, the utility knife for glaziers, as recited by present claims 1-12, is easier and safer to use than the knife suggested in the '294 patent, especially when employed during window glazing and similar applications.

These structural and procedural differences provide ample basis for patentably distinguishing present claims 1 – 12 over the '294 patent disclosure.

17. U. S. Patent No. 5,906,049 to Butts

U.S. Patent 5,906,049 to Butts (hereinafter the "'049 patent") discloses a double-ended utility knife with a blade at each of its ends. The dual blades are independently reciprocally extendible from respective compartments within the body of the knife and may be of different shapes. The knife comprises a generally rectangular base member having a front side and a backside and front and back covers adapted to be attached to the front and backsides. Each of the covers extends less than the total length of the base member. The provision of separate covers partially covering the respective front and back sides of the base member allows either of the blades

to be changed independently without exposing the other and possibly allowing it to be inadvertently dislodged.

The '049 knife's dual blades are coplanar with the base member of the knife; the blades are not transversely angulated with respect to the handle. The lack of transverse angulation results in a tool that is not suited for use in window glazing and similar operations requiring cutting wherein the surface of the knife blade must be situated parallel to a surface which must be left uncut and undamaged, such as a windowpane. The bending of the blade, which would be required to so situate the '049 knife, entails serious risk of breakage of the blade, the window glass, or both, and the potential injury to the knife user. On the other hand, applicants' claims 1-12 define a utility knife having a blade that is transversely angulated with respect to a handle portion, wherein it is firmly supported in both the horizontal and vertical planes. Through the applicants' utilization of transverse blade angulation, cutting is made safer and more efficient, as the utility knife is readily disposed between a window frame and the glass pane glazed therein. The insertion of applicants' utility knife does not require bending of the blade, and the user's hand does not intrude into the cutting path or otherwise impede cutting.

In view of these structural and procedural differences, applicant's claims 1 – 12 patentably define over the '049 patent disclosure.

18. U. S. Patent No. 5,940,970 to D'Ambro, Sr., et al.

U.S. Patent 5,940,970 to D'Ambro, Sr., et al. (hereinafter the "'970 patent") discloses a utility knife including a holder having two mating halves, a first cavity at a proximal end of the

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holder for receiving a blade for active use and a second cavity located toward a distal end of the holder for receiving and storing a supply of replacement blades. The mating halves are joined by a hinge at the distal end of the holder and a captive screw closure extending between the mating halves at a position intermediate the first and second cavities. The first cavity incorporates a magnet for engaging the active blade, while the second cavity incorporates a magnet for additionally engaging one or more replacement blades.

The knife blade in the '970 utility knife is situated generally coplanar with the mating interior surfaces of the halves of the blade holder. Hence, the blade extends straight from the holder without angulation. As a result, the '970 knife is not suited for cutting operations such as those typically encountered in glazing. In particular, the blade of the '970 knife must be bent by application of sideward pressure to effect cutting along a flat surface. When applied against a windowpane, such pressure is likely to result in breakage of the glass and imminent injury to the operator. By way of contrast, the utility knife recited by applicants' claims 1-12 includes a transversely angulated blade which is readily situated parallel to a surface without bending. Hence, applicants' claimed utility knife is safer and easier to use for glazing and similar tasks that require close, right-angled cuts.

These structural and procedural differences strongly ground patentability of applicants' claims 1 – 12 over the '970 patent disclosure.

19. U. S. Patent No. 6,192,589 to Martone et al.

U.S. Patent 6,192,589 to Martone et al. (hereinafter the “‘589 patent”) discloses a utility knife including a main body, a blade holder assembly movably mounted within the body, and a manually engageable member slidably mounted on the main body. The blade holder is movable between a retracted position wherein the blade is disposed within the body and an extended position wherein the blade protrudes outwardly from the main body to enable a cutting operation. The manually engageable member is operatively connected with the blade holder assembly and is movable to extend and retract the blade holder assembly. The utility knife further comprises a blade storage member pivotally connected with the main body. The blade storage member is appointed to carry a supply of spare blades. The utility knife also includes a locking structure constructed and arranged to releasably lock the blade storage member in its closed position.

The knife blade retraction mechanism disclosed in the ‘589 patent requires that the blade and the inside surfaces of the handle halves be substantially coplanar. The knife, therefore, lacks the transverse angulation of the blade afforded by applicants’ utility knife set forth by claims 1-12. As a result, the ‘589 knife is not suited for application in glazing and similar tasks requiring close, right-angled cutting. On the other hand, the utility knife called for by applicants’ claims 1-12 includes a transversely angulated blade which is readily situated parallel to a surface without bending. Hence, applicants’ utility knife, as defined by present claims 1-12, is safer and easier to use for glazing and similar tasks that require close, right-angled cuts. As such, applicants’ claimed utility knife promotes improved ease of use and enhanced operator safety. The utility knife of the

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'589 patent disclosure thus differs from the utility knife delineated by applicants' claims 1 – 12 in terms of form, functionality, and design.

When compared to any device constructed in light of the '589 patent disclosure, the existence of substantial structural and functional differences makes the utility knife claims of the present application patentably distinct.

Respectfully submitted,
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Bedminster, N.J. 07921
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